

## Notes and Action Items from Regional Administrator/Indian Program Manager Maine Tribal Visits Aug 28-30, 2018

### Passamaquoddy Tribe – Indian Township (Chief William Nicholas, Martin Dana, Trevor White)

St. Croix River: Chief William Nicholas expressed concerns over the recent 530,000-gallon primary treated effluent spill from Woodland Pulp & Paper. Tribe remains concerned over this spill and two other spills in Sept 2016, since tribal members fish for sustenance in the river. The Tribe is interested in the status of the mill's ISO 14000 certification which allegedly was in place earlier. The ISO 14000 family of standards provides practical tools for companies and organizations to manage their environmental responsibilities. The Tribe is also interested in learning about the status of the mill's infrastructure rehabilitation plans and progress to preventing spills in the future, following a letter issued by the mill to DEP in Oct 2016 outlining its plans. Tribe is also frustrated that MEDEP has not communicated with the Tribe regarding the recent spillage. Tribe may be interested in a future RARE project to study fish toxicity. The mill had completed studies previously above and below the mill. Tribe is also concerned about air emissions from the mill and is interested in any reports from DEP regarding compliance with the mill's Title V air permit. Tribe is also interested in pursuing federal natural resources law enforcement training and certification including any EPA funding to support this. Tribe also mentioned the loss of tribal lands when the river was flooded, including Lewey Island.

Maine WQS: Alex provided a brief overview of the status of the water quality standards litigation status. Referring to the Apr 2018 DOI letter, Chief Nicholas stressed that any federal agency should consult with tribes before it suggests defining sustenance on behalf of the tribes. Chief also discussed how tribal sustenance fishers line up along "flowage" during fish runs.

#### Action Items:

- Alex to follow up with DEP Commissioner Paul Mercer on the Tribe's concerns regarding the recent spillage
- Mike will coordinate with OES regarding Title V compliance and DEP reporting
- Mike will have further discussions with Tribe on potential RARE project

### Passamaquoddy Tribe – Pleasant Point (Chief Ralph Dana, Ed Bassett)

Meddybemps/Eastern Surplus Superfund Site: Remedial work continues at the site. EPA has been in discussions with MEDEP, the Tribe and various community groups about the long-term use and ownership of the property. Efforts are underway to develop community consensus and to develop a site management plan. In earlier discussions with EPA, the Tribe seemed to be open to a long-term lease option. However, during the Aug 28 site visit with Chief Ralph Dana, THPO Donald Soctomah and site caretaker Dale Mitchell, the Tribe advocated for ownership of the property, given the discovery and preservation efforts of the archaeological site, N'tolonapemk. Dale Mitchell maintains the property at his own time and expense. The Tribe's vision for this site includes opportunities for tribal ceremonial events and public education regarding the Tribe's heritage.

St. Croix River: Ed Bassett provided a comprehensive overview of the St. Croix River restoration efforts, identifying each dam and the respective fish passage infrastructure. Historically, 2.6 million alewife passed through Milltown Dam. This season, 270,000 alewife passed through Milltown Dam, and only 9,000 passed through Grand Falls Dam. Tribe believes that alewife are bottlenecked at Woodland Dam, and estimates

only a 25-50% successful pass rate. Tribe believes that DEP is not holding Woodland Pulp & Paper to task, and believes that the inadequate fish passage fails the “safe and timely” standard. Tribe is also concerned about the recent spillage from WP&P, and questioned whether there was an enforcement fine placed on WP&P for this incident. Tribe was not notified by DEP of the spillage. Tribe is taking water quality samples upstream and downstream of dam. Tribe described an experimental electrical turbine replacement project at Milltown dam that in theory passes fish with less mortality, and is concerned that if the project is not successful, it could set restoration efforts back 10 years. Tribe also mentioned concerns with Vanceboro Dam, which spans the international border and incorporates fish passage controlled by Canada, and Forest City Dam, that does not have fish passage infrastructure, and which WP&P is considering relinquishing to the State of Maine.

Tribe seeks to provide alewife passage in the western branch of the river at West Grand Dam, which incorporates stepped “pools” for fish passage, but a 20-inch hydraulic jump allows for landlocked salmon to pass upstream but not alewife. Tribe relayed that a downstream fish hatchery that produces 70% of the genetic salmon strain for ME waters and the reason why alewife are prevented from passing upstream is because of a concern that sea-run alewife would introduce pathogens that may harm the salmon population, if alewife are allowed to migrate upstream. There is trust land upstream that tribal members fish from and may settle in the future. Tribe described restoration work on the Magalloway Stream, on which EPA GAP funds were used.

*Action Items:*

- *Alex will speak to MEDEP Commissioner Paul Mercer about the Tribe’s desire for property acquisition of the Meddybemps property*
- *Alex to follow up with DEP Commissioner Paul Mercer on the Tribe’s concerns regarding the recent spillage and fish passage*
- *Mike will consider the Tribe’s restoration work at Magalloway Stream as a future GAP success story*
- *Mike will investigate bringing Ed Bassett to EPA for a similar presentation to EPA staff.*
- *Mike will forward a copy of Dale Mitchell’s environmental merit award nomination to Chief Dana*

Maine WQS: Alex provided a brief overview of the status of the water quality standards litigation status. Chief Dana stressed the importance of sustenance fishing as a source of food and income for tribal members.

**Penobscot Indian Nation** (Chief Kirk Francis, John Banks, Dan Kusnierz, Mark Chavarie, Jason Mitchell, Maulian Dana)

Maine WQS: Alex provided a brief overview of the status of the water quality standards litigation status. John Banks discussed the Tribe’s history in dealing with fishing rights and environmental concerns, including dioxins in the 1980s to present-day concerns. Cancer rates for tribal population is twice that of other Mainers. Chief Francis raised concern that if the case is remanded back to EPA, then sustenance rights would not be taken into account. John Banks mentioned a 3-volume set that an EPA employee (Jeff Bailor) compiled some years ago on fish consumption. Dan Kusnierz mentioned that the Tribe has uses in its own water quality standards that differ from the State standards, including bacteria criteria that is a seasonal criterium in the state’s standards, but is year-round for PIN, to protect year-round cultural practices.

Following the meeting, the Tribe was provided a CWA 319 “big check” for a recent competitive award, and the Tribe provided a river boat tour around Indian Island.

*Action Items:*

- *Mike will research the report that John Banks referred to, and will relay the Tribe's comments to the water quality standards team.*

**Houlton Band of Maliseet Indians (Chief Clarissa Sabattis, Sharri Venno, Sue Young)**

Meduxnekeag River: Sharri Venno provided a presentation describing the restoration efforts that the Tribe has undertaken over the course of the past 20 years to restore the Meduxnekeag River, including establishing riparian buffers, installing in-stream modifications to create pooling and habitat for salmon spawning, working with local farming community to implement best practices to mitigate runoff, and completing CWA 319 project off-reservation in partnership with the Town of Houlton to improve water quality in the river. Tribe is currently conducting an eDNA study in the Meduxnekeag to establish a baseline and determine if salmon DNA is present in the water. An electrofishing exercise will take place this fall. Tribe is looking to use eDNA as a water quality standard – as a mark of a healthy ecosystem. Sharri mentioned that the Houlton Water Company's WWTF is in need of infrastructure upgrades, which would result in improved water quality in the Meduxnekeag. Mike mentioned the SRF program, and will investigate if a tribal SRF project can be used as a contribution to Houlton. Tribe believes that under the State SRF list, Houlton would not be high on the list. An upcoming DEP/EPA meeting may provide an opportunity to discuss further. Alex mentioned a project that utilized riparian buffering to cool water from effluent in lieu of chillers. Alex mentioned that the St. John/Wolostok restoration project is included in acting Administrator Andrew Wheeler's briefing materials for an upcoming Sept 18 meeting with ECCC Premier McKenna.

Grants Issues: Mike Stover mentioned that the Region is continuing to investigate the Healthy Communities vehicle as a "common app" or "one stop shop" pilot for incorporating other federal agency funding for projects. The national PPG Evaluation workgroup continues to meet. Sharri suggested having a report-out during the upcoming tribal conference. Tribe is using radon funding to hold a workshop in late September, along with a pesticides workshop. Tribe is aware of current cash flow problem with older PPG expiring at the end of September. Tribe expects funds to be obligated but not "cashed" since the funding is primarily for travel expenses for Radon workshop participants. Tribe may need to apply for a waiver. Tribe is interested in pursuing Environmental Education grants. It appears feasible that the Tribe can partner with a local public school to become eligible to apply for the grant. Tribe's vision is to partner with Houlton School District to incorporate a pre-K thru 12 curriculum. Kristen Conroy can assist the Tribe in preparation with next spring's grant solicitation (due Apr 11 2019). EPA can send the Tribe information on Swinomish Nation recent award and other R1 awards

Maine WQS: Alex provided a brief overview of the status of the water quality standards litigation status. Tribe commented that it was not DOI's purview to comment on the Wabanaki study in its April 2018 letter.

*Action Items:*

- *Alex to provide contact information on the project including a riparian alternative to using chillers to cool effluent discharges*
- *Mike will coordinate with Kristen Conroy to send the Tribe information on the Swinomish Nation and other R1 environmental education program awards, and to set up a meeting to provide guidance*
- *Mike will coordinate a PPG evaluation workshop update during conference*

- *Mike will continue to explore the Healthy Communities Program as a vehicle for other federal agency funding*
- *Mike will investigate HBMI member having Suzanne (last name?) present at upcoming conference on sweetgrass sustainability and applying Traditional Ecological Knowledge with western science to produce results*
- *Mike will investigate use of tribal SRF funds for Houlton infrastructure improvements, and where Houlton is on the state SRF list*

### **Aroostook Band of Micmacs (Chief Charlie Peter Paul, Fred Corey)**

Pesticides funding: Tribe is hosting this year's pesticides workshop in Augusta on Sept 25-26. Tribe is very concerned that program funding for tribes will be in jeopardy after this year.

Wolostoq (St. John River) Restoration Project: Chief Peter Paul is interested in participating in the upcoming summit.

Loring Parcel: The Tribe provided an update to its planning efforts regarding alternative energy economic development at the former petroleum tank site. After receiving a grant for a pre-feasibility study from the National Renewable Energy Laboratory, the Tribe applied for and received two subsequent grants from the BIA for additional feasibility studies, including a market study for manufacture and sale of wood pellets. The more recent study will include development of contract language for the construction of a manufacturing facility.

The Tribe remains concerned about the continued presence of PCBs in fish tissue. The Tribe understood that the risk driver for cleanup was sediment levels set at 10 mg/KG PCB. The Tribe understood that PCB levels in fish tissue were expected to be present for 5-7 years, but decline in concentration to background levels in this timeframe, after which the fish would be safe to eat. Fish tissue continues to be monitored, but concentrations have not declined. Tribe explained that since the concentrations have remained steady at the Tribe's parcel, the USAF is considering other locations outside of the Tribe's waters to test fish tissue. The Tribe takes issue with the assumption that public health is protected since fish advisories are posted and the 5-year remedy plan, which focused on sediment concentrations, is believed to be working. The Tribe questions why fish concentrations have not declined and if there is another source of PCBs. Tribe questions if geotextile fabric, which was designed to hold back sediment as part of the remedy, may be compromised by beavers burrowing into the fabric.

Maine WQS: Alex provided a brief overview of the status of the water quality standards litigation status.

#### *Action Items:*

- *Mike will investigate Tribe's concern regarding tribal pesticides funding for future years.*
- *Mike will discuss the Loring parcel issues with OSRR*